

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARY KAY THOMAS,

Case No. 21-CV-2581 (PJS/DJF)

Plaintiff,

v.

SECOND AMENDED
BRIEFING ORDER

MARSHALL PUBLIC SCHOOLS, et al.,

Defendants.

The parties' cross-motions for summary judgment have been rescheduled for Friday, March 1, 2024 at 8:30 a.m. in Courtroom 15 (MPLS) before Chief Judge Patrick J. Schiltz. The Court directs that the cross-motions be briefed as follows:

1. Defendants' Principal Memorandum. On January 12, 2024, Defendants must file a memorandum in support of their motion for summary judgment.

2. Plaintiff's Principal and Response Memorandum. By January 26, 2024, Plaintiff must file a memorandum in support of her motion for summary judgment and must, in the same memorandum, respond to Defendants' memorandum in support of their motion for summary judgment.

3. Defendants' Response and Reply Memorandum. By February 9, 2024, Defendants must file a memorandum that responds to Plaintiff's memorandum in support of her motion for summary judgment and may, in the same memorandum, reply to

Plaintiff's response to Defendants' motion for summary judgment.

4. Plaintiff's Reply Memorandum. By February 23, 2024, Plaintiff may file a memorandum in reply to Defendants' response to Plaintiff's motion for summary judgment.

Plaintiff's two memoranda together must not exceed 12,000 words. Defendants' two memoranda together must not exceed 12,000 words. To the extent a party's summary-judgment motion depends on the exclusion of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), the *Daubert* arguments must be made as part of that party's summary-judgment motion and not in a separate *Daubert* motion. *Daubert* arguments that are not part of a party's summary-judgment motion but instead seek to exclude testimony from being admitted in the event of a trial should be brought as pretrial motions in limine in accordance with the trial notice. Trial notices are issued after the Court resolves the parties' summary-judgment motions. Except insofar as this order is to the contrary, all memoranda must comply with the Federal Rules of Civil Procedure and Local Rules of the District of Minnesota.

SO ORDERED.

Dated: September 14, 2023

s/Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court